

Comhairle Chontae Atha Cliath Theas

PR/0048/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0285

Application Date: 24-Jun-2022

Submission Type: Additional
Information

Registration Date: 09-Dec-2022

Correspondence Name and Address:

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Proposed Development:

The extension and renovation of The Cuckoo's Nest public house but retaining the original front part of the building & re-establishing a public house/gastro pub use at ground & first floor level (c.464m²). The proposed development also consists of the construction of a 3 and 4 storey building to the side and rear of the existing building, which will accommodate public house use at ground floor, retail / shop local use (c. 283m²) also at ground floor, with 11 no. apartments overhead. The proposed residential accommodation is comprised of 5 no. 1 bed apartments and 6 no. 2 bed apartments. The proposed development will be a modification to a previously permitted development under Ref.s SD19A/0287 & ABP-30603019, with access to the development via an existing / permitted vehicular entrance off the Greenhills Road. The proposed development Includes for all associated site development works, surface car parking, 6Icycle parking, communal open space & landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1m²) underneath the public house which will be used as storage associated with the proposed public house use, all on a site area of 0.24ha.

Location:

The Cuckoo's Nest Public House, Greenhills Road,
Tallaght, Dublin 24.

Applicant Name:

Brian Mulvaney

Application Type:

Permission

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(CM)

Description of Site and Surroundings:

Site Area:

Stated as 0.24 hectares.

Site Description:

The Cuckoo's Nest Public House is located on the Greenhills Road. A theatre is located directly north of the site, while the new residential estate of Temple Woods is located south and east of the site. The Cuckoo's Nest Public House is currently closed and no longer operating as a public house. Structures to the rear of the building have been partially demolished, as permitted under previous grant of permission Reg. Ref. SD16A/0157. The Kilnamanagh Family Recreation centre is located northwest of the site, while there are public lands to the south, east and northeast of the site, on both sides of the M50.

Site Visited: 10/08/2022

Proposal:

The extension and renovation of The Cuckoo's Nest public house as follows:

- retaining the original front part of the building and **re-establishing a public house/gastro pub use at ground & first floor level** (c.464m²).
- The proposed development also consists of the construction of a 3 and 4 storey building to the side and rear of the existing building, which will accommodate:
 - o **public house use at ground floor,**
 - o **retail / shop local use** (c. 283m²) also at ground floor,
 - o with **11 apartments** overhead.

The proposed residential accommodation is comprised of 5 no. 1 bed apartments and 6 no. 2 bed apartments.

The proposed development will be a **modification to a previously permitted development under Ref.s SD19A/0287 & ABP-30603019**, with access to the development via an existing / permitted vehicular entrance off the Greenhills Road.

The proposed development includes for all associated site development works, surface car parking, bicycle parking, communal open space & landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1m²) underneath the public house which will be used as storage associated with the proposed public house use, all on a site area of 0.24ha.

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For clarity, the existing permission (SD19A/0287 & ABP-30603019) comprised:

Demolition of the rear and side extensions of the existing building but retaining the original front part of the building to accommodate a cafe (137sq.m) at ground floor level of the existing building & a 2 bed apartment overhead at first floor. The proposed development also provides for the construction of a 3 and 4 storey building to the side and rear of the existing building, accommodating 18 apartments.

Zoning:

The area is zoned Objective 'RES' – "To protect and/or improve residential amenity" in the South Dublin County Development Plan 2022 – 2028,

Consultations

SDCC Architectural Conservation Officer	No objection, subject to conditions.
Housing	No objection, subject to conditions.
Public Realm	Request Additional Information.
Roads	Requests Additional Information.
Water Services	Requests Additional Information.

External

HSE Environmental Health Officer	Requests Additional Information.
National Transport Authority	No objection, subject to conditions.

SEA Sensitivity

No overlap with SEA layer indicated. However, the following Geological Site for Protection is located within 140m north/northeast of the application site boundary - *Greenhills Esker, Kilnamanagh, Tymon North – Large ridge comprising sand and gravel.*

Submissions/Observations /Representations

None.

Relevant Planning History

Subject Site

SD19A/0287 (ABP-30603019)

Permission **granted** by An Bord Pleanála (upholding a decision of SDCC) for demolition of the rear and side extensions of the existing building but retaining the original front part of the building to accommodate a cafe (137sq.m) at ground floor level of the existing building & a 2 bed apartment overhead at first floor. The proposed development also provides for the construction of a 3 and 4 storey building to the side and rear of the existing building, accommodating 18 apartments. The proposed residential accommodation consists of 19 apartments in total, comprised of 12 1-bed apartments and 7 2-bed apartments. The proposed development will be a modification to an extant permission under Ref SD16A/0157, with access to the development via an existing/permitted

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vehicular entrance off the Greenhills Road. The proposed development includes all associated site development works, surface car parking, bicycle parking, open space & landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1sq.m) underneath the public house which will be used as a plant room for the proposed apartment building, all on a site area of 0.24ha.

SD19A/0028

The applicant **withdrew** this application for demolition of the remainder of the existing public house and in its place, the construction of a 4 storey apartment building accommodating 26 apartments, comprised of 11 one bed apartments and 15 two bed apartments. The proposed development will be a modification to an extant permission under Ref. SD16A/0157, with access to the development via an existing/permitted vehicular entrance off the Greenhills Road; all associated site development works; surface car parking; open spaces & landscaping; pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1sq.m) underneath the public house which will be used as a plant room for the proposed apartment building, all on a site area of 0.24ha.

The applicant withdrew the permission prior to a decision being issued by South Dublin County Council. In that instance, internal consultee reports recommended the following:

- *Environmental Services Department: Water and Drainage Design* –
 - o Surface Water – No objection subject to conditions
 - o Flood Risk - No objection subject to conditions
- *Irish Water*
 - o Foul Drainage – No objection subject to conditions
 - o Water – No objection subject to conditions
- *Roads Section* – Request Additional Information
- *Public Realm Department (Parks and Landscaping Services)* – Request Additional Information Architectural Conservation Officer - Recommend Refusal
- *Heritage Officer* – Recommend Refusal
- *Public Lighting* – No Response
- *H.S.E. Environmental Health Officer* - No objection subject to conditions
- *Housing Strategy Unit* – No objection subject to conditions

SD16A/0157

A mixed-use and residential development on a site is bounded by Greenhills Road to the front (west) and Tymon Park to the north, south and east. The proposed development consists of the demolition of the existing Tallaght Theatre corner (328sq.m) and the construction of a replacement theatre (371sq.m) in the north-west corner of site. Permission is also sought for the renovation and alteration to the existing Cuckoo's Nest public house consisting of: (i) the demolition of rear and side extensions and (ii) proposed new two storey extension which will provide for bar and lounge and external courtyard with seating all at ground floor level, restaurant at first floor, ancillary

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kitchens, and office, with total floor area of 1,016sq.m. The proposed development also provides for residential development comprised of 45 dwellings including 20 three bed, two storey semi-detached houses, 19 three bed two storey terraced houses and 6 two bed apartments in a three storey building. The proposed development will be accessed via two vehicular access points off Greenhills Road and includes for all associated site development works, surface car parking, open spaces & landscaping, including pedestrian access to Tymon Park, all on site area of 1.83ha.

Decision: Grant Permission subject to conditions.

SD13A/0083

Construction of an adventure centre consisting of a series of high and low ropes courses utilising refurbished shipping containers as part of course and 4 timber poles supporting the safety lines; a zip line ('Flying Fox Run') entered from the top of the vertical shipping container and running between 4 timber poles existing at ground level to the southwest of the site; 2 timber poles for the installation of a 'Leap of Faith' activity; site fencing and all other associated site works.

Decision: Grant Permission subject to conditions.

SD10A/0326

24 metres multi user monopole carrying associated telecommunications equipment, associated cabins, located within an enclosed compound for mobile telecommunications purposes at Cuckoo's Nest, Greenhills Road, Tallaght, Dublin 24. The development will form part of Vodafone Ireland Ltd.'s existing GSM and 3G Broadband telecommunications network.

Decision: Refuse Permission.

Relevant Enforcement History

None found.

Pre-Planning Consultation

PP007/22 refers.

Relevant Policy

National Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.'

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The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

‘A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.’

and National Policy Objective 3a, which states,

‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.’

The National Planning Framework also includes a specific Chapter, No. 6, entitled ‘People, Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Other Ministerial Guidelines and Policy

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage, and Local Government, (2008).

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage, and Local Government (2007).

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Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage, and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing

Relevant Policy in South Dublin County Development Plan 2022 – 2028

Chapter 2 Core Strategy and Settlement Strategy

Policy CS1 Strategic Development Areas

Section 2.6 Total Land Capacity within Strategic Development Areas

Table 2.8 Total Land Capacity within Strategic Development Areas

Table 2.9 Capacity of undeveloped lands within South Dublin

Policy CS5 Lands for Employment

Section 2.7 Settlement Strategy

Policy CS6 Settlement Strategies – Strategic Planning Principles

Section 2.7.1 Dublin City and Suburbs

Section 2.7.1: Tallaght

Policy CS7 Promote the consolidation and sustainable intensification of development within the Dublin City and Suburban settlement boundary.

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH1 Overarching

Policy NCBH2 Biodiversity

Policy NCBH5 Protection of habitats and species outside of designated areas.

Policy NCBH21 Vernacular / Traditional and Older Buildings, Estates and Streetscapes

Policy NCBH23 Architectural Conservation and Design

Policy NCBH24 Adapting and Reusing Old Buildings

Policy NCBH25 Placemaking and the Historic Built Environment

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Chapter 4 Green Infrastructure

Policy GI1 Overarching

GI1 Objective 4

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2 Biodiversity

Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

Policy GI4 Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

GI4 Objective 3:

To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.

GI4 Objective 4:

To require that all SuDS measures are completed to a taking in charge standard.

Section 4.3.1 Components of the GI Network

Figure 4.4. Green Infrastructure Strategy Map

Chapter 5 Quality Design and Healthy Placemaking

Policy QDP1 Successful and Sustainable Neighbourhoods

Policy QDP2 Overarching – Successful and Sustainable Neighbourhoods

QDP2 Objective 1

Policy QDP3 Neighbourhood Context

Policy QDP4 Healthy Placemaking

Policy QDP5 Connected Neighbourhoods

Policy QDP6 Public Realm

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Policy QDP7 High Quality Design
Policy QDP8 High Quality Design – Building Height and Density
Policy QDP8 Objective 2
Policy QDP9 High Quality Design - Building Height and Density
Policy QDP10 Mix of Dwelling Types
Chapter 6 Housing
Policy H1 Housing Strategy and Interim Housing Need and Demand Assessment
H1 Objective 12 (3-bedroom units)
Policy H7 Residential Design and Layout
Policy H8 Public Open Space
Policy H9 Private and Semi-Private Open Space
Policy H10 Internal Residential Accommodation

Chapter 7 Transport and Movement
Policy SM1 Overarching – Transport and Movement
Table 1 7.1 Cycle South Dublin Routes and Projects
Policy SM2 Walking and Cycling
Policy SM3 Public Transport – General
Policy SM3 Public Transport – Bus
Policy SM3 Public Transport – Rail, Transport Interchange and Park and Ride
Table 7.5 Six Year Road Plan
Policy SM5 Street and Road Design
Policy SM6 Traffic and Transport Management
Policy SM7 Car Parking and EV Charging

Chapter 8 Community Infrastructure & Open Space
Policy COS5 Parks and Public Open Space – Overarching
Section 8.7.3 Quantity of Public Open Space
Policy COS7 Childcare Facilities

Chapter 10 Energy
Policy E3 Energy Performance in Existing and New Buildings
Policy E4 Electric Vehicles
Policy E5 Low Carbon District Heating Networks

Chapter 12 Implementation and Monitoring

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Assessment

The main issues for consideration are:

- Zoning and Council Policy
- Architectural Conservation
- Quality Design and Healthy Placemaking
- Visual Impact
- Residential Amenity
- Green Infrastructure and Open Space
- Sustainable Movement
- Water Services and Drainage
- Social & Affordable Housing
- Refuse
- Environmental Health
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The area is zoned 'RES' – "To improve and/or protect residential amenity.' The 'residential' use is permitted in principle. The 'public house' use is open for consideration, and as per section 12.2.1 (ii) of the County Development Plan,

"Land uses that are listed as 'open for consideration' in the land use zoning tables may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in [the County Development Plan].

"Proposed uses in this category will be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan."

It is noted that the former use of the Cuckoo's Nest building was as a public house. The building's ground floor was permitted for use as a café/restaurant under the previous permission (SD19A/0287). The Architectural Conservation Officer has welcomed the proposed re-use of the public house (see comments below).

The applicant has described the retail unit as 'shop – local.' As per the South Dublin County Development Plan 2022 – 2028 definitions (and similar definitions in the previous plan), the shop at 283 sqm is a 'shop – neighbourhood'. The 'shop – neighbourhood' use is open for consideration.

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The provision of two 'open for consideration' uses is considered throughout this assessment in relation to the overall impact they would have at a positive level. It is considered that the provision of a public house and shop at this location would complement the relatively new residential development and community theatre at the site, creating in effect a small local centre. This is acceptable and the proposed uses are considered to be appropriate and in accordance with the proper planning and sustainable development of the area.

Architectural Conservation

The Architectural Conservation Officer has no objections subject to conditions. Her report states:

Appraisal

This is an application for the extension and renovation of the Cuckoo's Nest Public House and to re-establish a public house/gastro pub use at GF and FF. There have been previous applications relating to this site and under the initial planning permission granted under Reg. Ref. SD16A/0157, the existing Public House (The Cuckoo's Nest) was being retained as part of the residential development within the subject site. An application under SD19A/0028 was then submitted proposing to demolish the remainder of the existing Public House and construct a 4-storey apartment block in place of the existing 2-storey building. Under the current application it is proposed once again to retain the original public house building which is welcomed. Although the existing Public House is not listed on the Record of Protected Structures, Schedule 2, South Dublin County Development Plan 2022-2028, it is considered to be of historical and local cultural interest and thereby having regard to specific CDP policy for the retention of older buildings.

It is considered that the existing Public House has become a local landmark feature and in an area which lacks architectural and visual character, the existing public house adds to the architectural and historical interest of the place, visual and streetscape setting, it is therefore considered that its retention and extension to allow its reuse as a public house will ensure its continued contribution. A Pre-Planning meeting was held on the 28th March 2022 under PP007/22. The undersigned provided comments on the new insertions and proposed works to the existing building and the new apartment development to the rear and side. The proposed development is more or less the same as the previously granted permission whereby the original public house is being retained for pub use and construction of a new apartment block and with shop unit at ground floor and apartments overhead at 1st and 3rd floors. The main issue raised at Pre-Planning was the proposed block be set-back from the building line of the existing building to allow the historic structure to be viewed and not overshadowed along the streetscape by the new proposed apartment block. The proposed design for the front terrace area located directly at the front site of the existing building was also raised. It was advised that this should be looked at as a raised platform and defined area at this location could cause a negative visual impact and therefore it was requested

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that this area be looked at. It was recommended that a more open plan outdoor area for customer use, would limit any visual impact.

It is proposed to construct a new extension to the rear of the existing building which will be in the form of a glazed link between the original building and the new apartment block to the rear. The rear new extension will accommodate public house/gastro pub use. As the public house use was the last active use and long-established use of the existing property it is considered that the re-establishment of the same is a sensitive and long-term use. The proposed new apartment block will sit at the side of the existing building and re-established Public House and will provide architectural definition and provide streetscape setting. The undersigned welcomes the sensitive adaptive reuse of the existing building allowing it to be retained as part of the continued development of the site along Greenhills Road, which currently lacks visual character and a strong building line along this section

It is considered that the proposed development is acceptable and allows the existing building to be retained and reused. The proposed development allows new development along the Greenhills Road, adding to the architectural interest and urban form, with the retention of the Public House which has become a landmark building which is of local historical importance.

Recommendation

It is recommended that the following conditions be attached to a grant of permission:

- 1. It is considered that the proposed interventions and works within the existing building be carried out adhering to good conservation and in accordance with good conservation practice and principles ensuring minimal intervention and no damage or risk to the original built fabric. Those areas being affected by new opes or widening of new opes should be made good using the appropriate materials and methods. A Method Statement should be submitted detailing the works proposed to the existing building and should include any energy efficiency and upgrading works in line with CDP Climate Change Policies.*
- 2. Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the original built fabric of the existing building will be protected during demolition of existing additional structures, site clearance/excavation and construction.*
- 3. It is considered that details of the materials, finishes and planting in providing an overall improved design landscape within the site should be submitted for approval and agreement prior to the commencement of development.*
- 4. A schedule of materials and finishes should be provided for the new elements being inserted into the existing building and the proposed new extension prior to commencing development. Although details of materials and finishes have been*

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indicated there are elements which need to be confirmed ensuring the full and proper execution of these high-quality designed elements. This should include full details on materials and finishes for all elements of the proposed new extension and glazed link.

- 5. The proposed design for the front terrace area to the front of the existing building could be improved. The defined area at this location could cause a negative visual impact given its location to the front site of the historic structure. It was recommended that a more open plan area for customers with integrated planting and seating would limit any visual impact and allow the outdoor area to sit sensitively and improve the overall visual link along the streetscape.*

The above Conditions should be submitted to the Council's Architectural Conservation Officer for written agreement and approval.

Planning Department's Assessment

The assessment and recommendations of the SDCC Architectural Conservation Officer are acceptable.

Quality Design and Healthy Placemaking

The applicant should be requested to provide a Statement from a suitable qualified person detailing how 'the Plan Approach' has been incorporated into the design of the development, as per QDP2 Objective 1 of the Plan. This can be resolved by way of **additional information**.

One aspect of the design which is a concern is the treatment of the street to the north of the development; both the public house and theatre are oriented west towards the main road – a space for faster moving traffic through the area – rather than towards each other across the local street – a space for slow moving traffic and the central spine of the 'local centre' that will be established here. In light of queries from the NTA and the SDCC Roads Department regarding the provision of cycle infrastructure on Old Greenhills Road, the overall treatment of this street could be reconsidered.

The street is labelled as a pedestrian priority shared surface, but no cross sections have been provided of the street, and the material treatments appear to show a clear delineation between a 2m pedestrian path and a 5.5m carriageway. A rationale for a 5.5m carriageway has not been provided, when compared against the DMURS standard of 4.8m for a shared surface. This would allow for a generous footpath of 2.7m. If the terrace to the front cannot be delivered due to provision of planned cycling infrastructure, outdoor seating and a side entrance can be considered around the side, on the street.

The proposed layout is generally acceptable, but some reconsideration may be necessary for the details of the treatment of the local street, both in terms of the activity of the façade and the materials/layout. The applicant can address this by way of **additional information**.

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Visual Impact

The Architectural Conservation Officer's appraisal is noted and endorsed in relation to the impact the proposed development would have on the Cuckoo's Nest building (which is not a protected structure but is a historic building and part of the county's built heritage). That appraisal is accepted in full.

The proposed 3 and 4 storey building would be located approx. 35-37 metres from the residential houses to the east, with a car park and public road set between them. The proposed height and eastern elevation are acceptable having regard to the distance and nature of the public realm in this location.

The proposed building is somewhat closer to the Temple Court apartments, located south of the subject site (distance appears to be about 8 metres). The new building would provide balconies and windows directly opposite the rear windows of the Temple Court apartments buildings. As per drawings submitted under SD16A/0157, the rear windows of Temple Court apartments serve living/kitchen/dining rooms, as well as store rooms, bathrooms, and internal staircases. The windows are high cilled but do serve kitchens and are located above kitchen sinks.

Further consideration of this interaction is required, as are more detailed drawings showing, in plan and cross section, the relationship between the proposed apartment building and the permitted Temple Court Apartments, to establish that the occupants of the new development will not suffer a lack of privacy given the location of kitchen windows in the existing building. This can be resolved by **additional information**.

Residential Amenity

The 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities' (2018) provide a number of criteria and specifications under which applications for apartment development should be assessed.

Unit Mix

Under SPPR1 of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) guidelines, the South Dublin County Development Plan 2022 – 2028 specifies a required mix as per the county's interim Housing Needs Demand Assessment. Under policy H1 Objective 12 of the Plan, all new developments should provide at least 30% 3-bedroom units, except where it can be shown that this is not necessary by way of the following criteria:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

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The applicant has not provided a rationale for the provision of 1- and 2-bedroom units only in this 11-unit scheme. The applicant should provide a rationale by way of **additional information**.

Minimum Floor Areas and Apartment Types

SPPR3 of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) provides minimum floor areas for '1-bed (2 person)' and 2-bed (4 person)' apartments, and these are supplemented by a requirement that a majority of units in any one development exceed the minimum standards by at least 10%. This additional floor area can be shared by all units in smaller schemes such as this. In this instance, 9 of the proposed 11 units exceed the minimum floor area standards by at least 10%.

The private open space and communal open space (provided as a roof terrace) are sufficient. The applicant has not provided dimensions showing that the balconies meet the minimum depth of 1.5 metres, but they measure as being adequate, and this can be specified by **condition**.

Dual Aspect

There is 1 single aspect unit proposed. This unit could be provided with east-facing window to make it dual aspect – there may be a design rationale for this, which the applicant might wish to comment on in their **additional information** submission.

Floor-to-Ceiling Height

The development complies with the requirements of SPPR5 in relation to floor-to-ceiling heights.

Stair Cores

The development complies with the requirements of SPPR6 in relation to stair cores.

Internal Storage

The development complies with the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) requirements for storage.

Communal Amenity Space

The applicant has not specified that the green space shall be communal amenity space, and this shall be specified by condition. The communal amenity space shall be accessible to residents of this development and the adjoining, recently occupied, apartment block.

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Green Infrastructure and Open Space

The Public Realm Department has provided a main report and supplementary comments. The report seeks additional information in relation to:

- Details of the landscape plan
- Open space provision
- SUDs management and strategy
- Visual Impact Assessment
- Invasive species
- Green roofs details
- Roof terraces.

The supplementary advice seeks the following in relation specifically to the new South Dublin County Development Plan 2022 – 2028:

1. Green Infrastructure- the applicant must show how they intend to reduce fragmentation of existing GI. They will need to provide a green infrastructure plan showing connections through the site and connections to wider GI network (see section 12.4.2).
2. The appropriate Greening Factor must be achieved for the relevant land use zoning (see Policy GI5, section 12.4.2 and related policies).
3. Suds – attenuation tanks are not permitted within public open space areas. Applicant must use natural SUDS and above ground attenuation, Design of Suds to start at existing site conditions ideally the applicant should provide a flow analysis of the existing site pre - development and how the proposed surface water drainage proposes to achieve the greenfield run off rate. These should Refer to SDCC SUDS Design Guide. (See Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3.)

Public Open Space

The permitted development (SD19A/0287) provided for 290sqm of public open space. None has been proposed under the new application. It is noted that, despite the previous 'OS' land-use zoning objective and local objective under the South Dublin County Development Plan 2016 – 2022, and despite the layout permitted under the SD16A/0157 permission, the Temple Woods development has been delivered without any access into Tymon Park for the residents and children in the estate. Additionally, the Temple Court Apartments are provided with no communal amenity space. Overall, the provision of amenity space in the built scheme is poor and the 2016 – 2022 Plan has not been well implemented at this location.

The applicant should be required to provide public open space as part of this development, and as per the existing permission (SD19A/0287). This would require a reduction in car parking levels and/or a reconfiguration of the proposed buildings. Access through to Tymon Park should also be provided as per permission SD16A/0157; this is an issue for Planning Enforcement however and is

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separate to the current assessment, as the applicant does not own the roads in Temple Woods. If such access were provided, the issue of public open space at this development could be resolved by way of a contribution in-lieu and the provision of appropriate play facilities nearby in Tymon Park.

The applicant should provide as **additional information**, alternative proposals which provide for public open space as per the permitted development, or else guarantee improved local access to public open space and the provision of appropriate facilities through contributions in-lieu. In either case, the applicant is to demonstrate compliance with the following policies, objectives, and guidance in the Plan:

- Policy H8
 - o in particular, Policy H8 Objective 3
- Section 8.4.1 in particular as it relates to public open space
- Section 8.7.1 in particular as it relates to accessibility
- Policy COS5
- Table 8.2

Sustainable Movement

The SDCC Roads Department has sought **additional information** on the following grounds:

1. The applicant has not indicated how right-turning movements into and out of the site will be accommodated safely. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location of a Yellow box arrangement in relation to the proposed development.
2. Revised layout of not less than 1:200 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site.
3. The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 49m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).
4. The applicant should submit revised plans which show how the proposed development facilitates the BusConnects project.
5. Revised layout of not less than 1:200 scale, showing carriageway and footpath widths throughout the development
6. The applicant is requested to submit a breakdown of the car parking designation for the apartments, the pub and the shop.

In relation to (2) above, the applicant should satisfy themselves that a Fire Safety certificate can be obtained for the development as proposed. It is noted that refuse is proposed to be stored to the south of the apartment building, but it is not clear how it is to be collected. The applicant should provide a plan for storage and collection of refuse and swept path analysis, as necessary.

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The NTA has also raised an issue with the Bus Connects layout and provision of cycling infrastructure to the front of the site. The applicant should show how this infrastructure can be provided while maintaining a 2m-wide footpath on Old Greenhills Road. This can be considered in addition to the comments under 'Quality Design and Health Placemaking' above.

In terms of the breakdown of car parking by use, the applicant should consider whether any of the uses are complementary and can share parking spaces. Provision of public open space at this location should have priority over provision of parking.

Otherwise, the Roads Department recommendations should be included in a request for **additional information**.

Water Services and Drainage

The Water Services Report seeks **additional information** regarding the design and management of SUDs in the scheme, as follows:

- 1.1 Submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads, and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system. Examples of SuDS include:
 - Green Roofs / Blue roofs
 - Swales
 - Permeable Paving
 - Grasscrete
 - Channel Rills
 - Rain Gardens
 - Planter boxes with overflow connection to the public surface water sewer.
 - Other such SuDS

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- 1.2 Examine what capacity in m³ the proposed SuDS system can attenuate and check if proposed attenuation infiltration tank can be reduced in size by way of having SuDS provide respective surface water attenuation.

Guidance on SuDS can be found on the South Dublin County Council Website searching SuDS Guide at [sdcc-suds-explanatory-design-and-evaluation-guide.pdf](#)

Irish Water has requested that the applicant engage directly with Irish Water to obtain a confirmation of feasibility and submit this to the Planning Authority as **additional information**.

The Water Services and Irish Water recommendations are considered to be appropriate and should form part of a request for **additional information**.

Social & Affordable Housing

The Housing Department states no objection to the proposed development subject to the attachment of a relevant condition, and the purchase of units on-site. This is noted.

Refuse Storage

The refuse storage is proposed to be located to the south of the apartment block. As per comments under the 'Sustainable Movement' heading above, the applicant should be requested to provide more details on the storage, access, and collection of waste.

Environmental Health (Noise)

The HSE Environmental Health Officer has requested as **additional information** the submission of Noise assessments to ensure that residential amenity is not negatively impacted by the public house.

Appropriate Assessment

Table 1: Description of the project and site characteristics

Planning File Reference	SD22A/0285
Brief description of the project	See description of development.
Brief description of site characteristics	See site description.
Application accompanied by a NIS Y/N	No.

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Table 2: Identification of European Sites which may be impacted by the project

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco- Brometalia) [6410] Molinia meadows on calcareous, peaty, or clayey- silt-laden soils (Molinion caeruleae) [7220] Petrifying springs with tufa formation (Cratoneurion)	5.1	No links.	Yes
Wicklow Mountains SAC	13 Qualifying Interests ConservationObjectives.rdl (npws.ie)	7.6	No links.	No
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] CO004040.pdf (npws.ie)	8.24	No links.	No
Rye Water Valley / Carton SAC	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Vertigo angustior (Narrow- mouthed Whorl Snail) [1014] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] 	>15	No links.	No
Red Bog Kildare SAC	<ul style="list-style-type: none"> • Transition mires and quaking bogs [7140] 	>15km	No links.	No

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Poulaphouca Reservoir SPA	<ul style="list-style-type: none"> • Greylag Goose (Anser anser) [A043] • Lesser Black-backed Gull (Larus fuscus) [A183] 	>15km	No links	No
South Dublin Bay SAC	4 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km	No links.	No
South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km	No links.	No

Table 3: Assessment of Likely Significant Effects

Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:	
Likely Impacts	Possible Significance of Impacts (duration, magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration 	None.

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<ul style="list-style-type: none"> • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles, and activities • Physical presence of structures (e.g., collision risks) • Potential for accidents or incidents 	
In-combination/Other	None.
Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
No	

Table 4: Screening Determination Statement

Assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is <u>not likely</u> to have <u>significant</u> effects on European site(s) in view of its conservation objectives.		
Conclusion:		
	Indicate (X)	Recommendation
It is clear that there is no likelihood of significant effects on a European site	X	The proposal can be screened out. Appropriate assessment not required.
It is uncertain whether the proposal will have a significant effect on a European site		Request further information to complete screening Request NIS Refuse permission
Significant effects are likely		Request NIS Refuse permission
Completed by	CM	
Date	17 th August 2022	

Screening for Environmental Impact Assessment

Having regard to the scale of the proposed development, and the distance of the site from nearby sensitive receptors, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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Conclusion

Having regard to the policies of the South Dublin County Development Plan 2022 – 2028 and the particulars provided by the applicant, there are a number of issues outstanding which require additional detail or reconsideration.

Recommendation

Request Further Information.

Further Information

Further Information was requested on 18/08/22

Further Information was received on 09/12/22

Consultations

Public Realm

No objection, **conditions** recommended.

Roads

No objection, **conditions** recommended.

Water Services

No objection, **conditions** recommended.

External

Irish Water

No objection, **conditions** recommended.

HSE Environmental Health Officer

No objection, **conditions** recommended.

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

The Further Information requested was as follows:

1. *Plan Approach: Eight Key Design Principles.*

The applicant is requested to provide a Statement from a suitable qualified person detailing how 'the Plan Approach' eight key design principles have been incorporated into the design of the development, as per QDP2 Objective 1 of the South Dublin County Development Plan 2022 - 2028.

This can be resolved by way of additional information.

2. *Local Street.*

One aspect of the design which is a concern is the treatment of the street to the north of the development – both the public house and theatre are oriented west towards the main road, with relatively uninteractive facades to the local street between them. The NTA and the SDCC Roads Department have queried how the development can support the provision of cycle infrastructure on Old Greenhills Road.

The street is labelled as a pedestrian priority shared surface, but no cross sections have been provided of the street, and the material treatments appear to show a clear delineation

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between a 2m pedestrian path and a 5.5m carriageway. A rationale for a 5.5m carriageway has not been provided, when compared against the DMURS standard of 4.8m - there is potential to extend the pedestrian path by 700mm.

The following aspects could be reconsidered by the applicant, and the applicant should show by way of additional information, how they have considered the following points:

- the overall treatment of the street, in terms of architectural elevational treatment and surface layout and materials*
- How to establish the space as a pedestrian priority space.*
- If the terrace to the front cannot be delivered due to provision of planned cycling infrastructure, outdoor seating and a side entrance can be considered around the side, on the local street.*
- Compliance with DMURS.*

3. Privacy.

Further consideration of this interaction is required, as are more detailed drawings showing, in plan and cross section, the relationship between the proposed apartment building and the permitted Temple Court Apartments, to establish that the occupants of the new development will not suffer a lack of privacy given the location of kitchen windows in the existing building.

4. Unit Mix.

Under SPPR1 of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) guidelines, the South Dublin County Development Plan 2022 – 2028 specifies a required mix as per the county's interim Housing Needs Demand Assessment. Under policy HI Objective 12 of the Plan, all new developments should provide at least 30% 3-bedroom units, except where it can be shown that this is not necessary by way of the following criteria:

- there are unique site constraints that would prevent such provision; or*
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme.*

The applicant has not provided a rationale for the provision of 1- and 2-bedroom units only in this 11-unit scheme. The applicant should provide a rationale by way of additional information.

5. Single Aspect.

There is 1 single aspect unit proposed. This unit could be provided with east-facing window to make it dual aspect – there may be a design rationale for this, which the applicant might wish to comment on in their additional information submission.

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6. *Public Realm - Landscape Plan and Details.*

The applicant is requested to submit comprehensive and detailed landscape proposals for the development, prepared by a qualified Landscape Architect. Such proposals should include a scaled landscape plan(s) with cross - sections, showing the layout and hard and soft treatment of all boundaries, features, external areas, and green spaces. The proposals shall be accompanied by specifications for materials, workmanship, and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

In addition, the applicant shall provide the following:

- a) details in relation to the interface of site services and trees to be retained;*
- b) details in relation to public furniture/benches;*
- c) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species, and location of all vegetation, including biodiversity enhancement measures;*
- d) A full set of plans and details of Hard Landscape Design for boundary treatments, seating, kerbs, edges, surfaces, lighting, and showing how the proposal will be coordinated with services & civil engineering elements;*
- e) details of Soft Landscape Design to include a detailed Planting Plan and Planting Schedule - as appropriate - stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually appealing, bio-diverse, and easily managed.*
- f) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. The Planning Authority will require in the event of a grant of permission that any plants which die, are removed, or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.*

7. *Public Realm - Open Space Provision.*

It is not clear from the information submitted if the proposal would meet the relevant open space requirements for this development. The applicant is requested to submit in table form the percentage (%) and area in sq.m of the proposed private, semi-private and public open

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- space (where applicable) provision within the site. The applicant should demonstrate compliance with the South Dublin County Development Plan 2022 - 2028 in relation to all of these forms of open space.*
8. *Sustainable Drainage Systems.*
- (A) *The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.*
- (B) *In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.*
- (C) *SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
- (D) *Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:*
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
 - SuDS bioretention Tree pits to be installed in trees within /draining areas of hard standing. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*
- (E) *The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³ . Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads, and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.*
- (F) *Examine what capacity in m³ the proposed SuDS system can attenuate and check if proposed attenuation infiltration tank can be reduced in size by way of having SuDS provide respective surface water attenuation.*

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9. *Sustainable Movement.*

- (A) *The applicant has not indicated how right-turning movements into and out of the site will be accommodated safely. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location of a Yellow box arrangement in relation to the proposed development.*
- (B) (i) *In terms of access for larger vehicles, the applicant should show how they are compliant with the relevant regulations, to the extent that they would receive a fire safety certificate for the proposed layout. Plans should show, using swept path analysis, how fire tenders can access the site if required. This is an item for additional information. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.*
(ii) *The applicant should also show by way of additional information how it is expected that refuse will be collected from the site and if bin lorry access is required on the site, provide swept path analysis showing that this is possible. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.*
- (C) *The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 49m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).*
- (D) *The applicant should submit revised plans which show how the proposed development facilitates the BusConnects project. The National Transport Authority states that it is available to consult on this matter (see their submission).*
- (E) *The applicant should submit a revised layout of not less than 1:200 scale, showing carriageway and footpath widths throughout the development. The applicant should demonstrate compliance with DMURS section 4.4.1 with regard to a shared surface street.*
- (F) *The applicant is requested to submit a breakdown of the car parking designation for the apartments, the pub, and the shop. The applicant should consider and state whether any of the proposed uses are complementary and can share parking.*

10. *Irish Water.*

- (A) *The applicant should engage directly with Irish Water and submit a Confirmation of Feasibility from Irish Water, as additional information, with respect to water supply and wastewater connections.*
- (B) *The applicant should demonstrate the relationship between the proposed development and the 225mm public foul sewers in close proximity to the site, and show using plans and cross sectional drawings, as necessary, that the proposed development would not lead to inappropriate loading on the public pipes.*

11. *Noise.*

The applicant is requested to provide:

- (A) *An assessment for the potential for noise nuisance from the operational use of the public house and retail unit.*

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(B) Proposals to negate noise nuisance from the operational use of the public house and retail unit must be submitted to ensure compliance with BS 8233 Guidelines for Sound Insulation and Noise Reduction for Buildings.

Additionally, the applicant should:

(C) demonstrate that the proposed development would support Policy IE8 of the South Dublin County Development Plan 2022 - 2028.

12. Public Realm - Public Open Space.

The applicant should provide as additional information, alternative proposals which provide for public open space as per the permitted development, or else guarantee improved local access to public open space (in accordance with permission SD16A/0157), and the provision of appropriate facilities through contributions in-lieu. In either case, the applicant is to demonstrate compliance with the following policies, objectives, and guidance in the South Dublin County Development Plan 2022 - 2028:

- Policy H8
 - in particular, Policy H8 Objective 3**
- Section 8.4.1 in particular as it relates to public open space*
- Section 8.7.1 in particular as it relates to accessibility*
- Policy COS5*
- Table 8.2*

Assessment

Item 1 – Plan Approach

The applicant has provided a response in relation to the Plan Approach and the Eight Design Principles. This response is considered acceptable.

Item 2 – Local Street

The Roads Department have reviewed the application and have stated that they are '*satisfied that the kerb treatment and pavement colours, width and finish create a pedestrian priority space that is in line with DMURS.*' This is considered acceptable.

Item 3 – Privacy

It is acknowledged that the windows serving Temple Court are high level and would not provide much opportunity for overlooking. It is considered that this is sufficient to ensure the privacy of future residents of the proposed apartments.

Item 4 – Unit Mix

The applicant's response states the following unit mix:

- 3 no. 1 bed units = 30%*
- 6 no. 2 bed units = 60%*
- **1 no. 3 bed units = 10%***

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The applicant has not provided a justification for this unit mix, particularly with regard to the under provision of 3-bedroom units per Policy H1 Objective 12. It is noted that 1 no. 3-bedroom unit is now provided however, the requirement per Policy H1 Objective 12 is that 30% of units should be 3-bedroom, requiring 3 no. 3-bedroom units to be provided. The applicant has not met the requirement of providing a rationale for this unit mix. This should be requested as **clarification of further information**.

Item 5 – Single Aspect

On the third floor two units have been combined to provide a 3-bedroom unit. In doing so, the formerly single aspect unit has been absorbed into this larger apartment and therefore removing the provision of any single aspect units at the site. The provision of no single aspect units is considered acceptable.

Item 6 – Public Realm – Landscape Plan and Details

The applicant has submitted revised landscape details which have been reviewed and determined as acceptable to the Public Realm Section. The applicant has indicated that the boundary to the east would be a 2m brick wall with 1.8m dry dash and concrete capping. This is not considered an appropriate treatment for this boundary as it will provide a hard barrier between the development and the housing estate to the east. It is noted that under previous applications this area has been permitted as open space or having planting. This is considered a more appropriate treatment. The applicant should be requested to provide hedgerow and trees at this location to improve green infrastructure and the integration of the site with surrounding development. This can be achieved by **condition**.

In stating no objection to the development, the Public Realm section have recommended the following relevant **conditions**:

1. Implementation of Landscape Plan

- a) The landscaping scheme shown on drawing No. 2251_LP_C Landscape Plan shall be implemented in full, within the first planting season following completion of the development, in addition:*
- b) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Plan (Dwg. No. 2251_LP_C).*
- c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).*
- d) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.*

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- e) *Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted*
2. *Retention of Landscape Architect*
- i) *Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.*
- ii) *A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.*
- iii) *Installation of attenuation tree pits shall be supervised by the project landscape architect.*

These **conditions** are considered appropriate and should be included in the event of a grant of permission.

Item 7 – Open Space Provision

The applicant has demonstrated compliance with the minimum requirements for private and communal open space. This is acceptable. The applicant has not altered the scheme to provide any public open space. This is addressed further under the assessment of Item 12.

Item 8 – Sustainable Drainage Systems

The Public Realm section have reviewed the submission and have stated no objection to the development in relation to SuDS, recommending the following **condition**;

SUDS

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- *Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.*
- *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.*

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- *The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving, and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.*
- *Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.*
- *Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*

This is considered a complementary **condition** to that recommended by Water Services, stated below. The Public Realm section have also recommended the following **condition** in relation to green infrastructure and the green space factor:

Green Infrastructure & Green Space Factor

The applicant shall submit the following information relation to Green Infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

- a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.*
- b) To demonstrate how the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.*

Water Services have reviewed the submission and have stated the proposed attenuation is undersized by approximately 10%. The Water Services report states no objection to the development, recommending a **condition** to require increased surface water attenuation to be agreed with the Planning Authority prior to the commencement of development. This **condition** is considered important to ensure the adequate provision of SuDS in the interest of sustainable drainage.

It is considered that the requirement for these conditions indicates that the applicant has not provided sufficient information in relation to the provision of SuDS. The applicant should be requested to provide **clarification of additional information**, ensuring the attenuation capacity is increased, and that additional SuDS measures are provided, with reference to the requirements of green infrastructure and the green space factor also.

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Item 9 – Sustainable Movement

The Roads Department has reviewed the submission and stated no objection to the development, recommending the following **conditions**:

- 1. EV charging shall be provided in all residential, mixed use and commercial developments and shall comprise a minimum of 20% of the total parking spaces provided. The applicant shall provide a minimum of 4 no. EV charging points. The remainder of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5.*
- 2. Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.*
- 3. Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority*
- 4. The applicant is to provide a Taking In Charge Map that distinguishes between all areas to be offered to SDCC.*
- 5. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC.*

The Planning Authority would still have concerns regarding how parking at the site would function, and the interaction of the site with the residential development to the east.

Per Tables 12.25 and 12.26 of the Development Plan, maximum parking rates at the site are as follows, for development located within Zone 2:

Use	Maximum Allowable
Residential	10
Shop	11
Pub	12
Total	33

The applicant is proposing 19 no. car parking spaces, including 2 no. EV and 1 no. accessible space. The Roads Department require a minimum of 20% of spaces to be EV, therefore the provision is below this requirement. This can be rectified by condition, as recommended by Roads.

There would be a concern about how the shared car parking arrangement would function in practice and it is not considered that parking at the site can be managed without allocation of spaces for particular uses. The applicant should be requested to review the car parking proposals and submit revised plans clearly allocating spaces per use and clarifying how this would be managed. This can be done by **clarification of additional information**.

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Item 10 – Irish Water

Irish Water have reviewed the additional information submitted and have stated no objection to the development. Their response recommends the following **conditions** in the event of a grant of permission:

Water

1.1 Prior to the commencement of development, the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

Foul

2.1 Prior to commencement of development submit a revised drawing showing where section 2-2 is in respect to Drawing Number 105 from CORA Consulting Engineers Drawing. Submit a revised drawing that lowers the depth of foundation at Section 2-2 by at least 0.5m to remove any load transfer onto adjacent foul drain. Show the depth of foundation in a cross sectional view on a drawing between the narrowest point of proposed development and adjacent foul sewer.

2.2 Prior to the commencement of development, the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water.

These **conditions** are considered appropriate to ensure public health and adequate water facilities. As **clarification of additional information** is being recommended, item 2.1, in relation to foul, should be requested at this time.

Item 11 – Noise

The EHO has reviewed the submission and their report states '*All recommendations outlined in the acoustic noise assessment must be implemented.*' This should be guaranteed by **condition**.

The EHO response states no objection to the development, recommending the following **conditions**:

Construction Phase

1. Noise

To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators, and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- *Before 07.00 hours on weekdays, Monday to Friday*
- *Before 09.00 hours on Saturdays.*
- *After 19.00 hours on weekdays, Monday to Friday.*
- *After 13.00 hours on Saturdays.*
- *Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

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2. *Air Quality*

During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

Operational Phase – Public House

1. *Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises, or public place in the vicinity.*

2. *Bin storage*

Bin storage facilities should be adequately serviced with a water supply, drainage, and ventilation.

3. *Fumes & Noise from Commercial Units*

a. *The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.*

b. *Any fumes emitted from the premises shall be minimised and if necessary, treated using the Best Available Technology and emitted to the outer air.*

c. *The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.*

d. *Details to demonstrate compliance with above shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development.*

4. *The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises, or public place in the vicinity.*

These **conditions** are considered appropriate in the interests of public health and to minimise nuisance.

Item 12 – Public Realm – Open Space

The applicant has not amended the scheme to provide any public open space. Areas previously permitted as open space are proposed entirely as car parking. The applicant has justified the lack of open space due to a long planning history, changing ownership and permitted links into Tymon Park as part of the Temple Wood scheme. As previously noted, these links have not been provided and this is considered an enforcement issue.

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In lieu of providing public open space the applicant has stated they are willing to pay a contribution in lieu, agreed by the Public Realm section who have recommended the following **condition**:

Contribution in Lieu of Public Open Space

The applicant has failed to achieve the required open space provision of 2.4 Ha per 1,000 population, which equates to 720 m² of POS required for the subject development. The applicant has only provided 489m² in terms of POS, therefore there is a shortfall of 231m². Therefore, as per COS5 Objective 4 with the CDP 2022-2028; the applicant shall agree with the Planning Authority in consultation with the Public Realm Section the provision of additional facilities or upgrading of existing facilities within a POS or neighbouring Park outside of the proposed Development site area in order to make up for the shortfall of POS provided for within the subject site. If the provision or upgrade of additional facilities cannot be agreed, then the Council will accept a financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.

The DCS does not currently provide for a contribution in lieu and the above draft condition is incorrect in that no POS is proposed on-site. As such the application will be requested by way of **clarification of additional information** to consult with the Public Realm section in relation to options to enhance existing public spaces in the vicinity of the development in accordance with COS5 Objectives.

Conclusion

The applicant has not sufficiently addressed all the matters for which additional information was requested. Clarification of additional information is required in relation to the following items:

- Justification for the unit mix in not achieving 30% 3-bedroom units
- In consultation with the Planning Authority, provide greater detail in relation to upgrades of existing public open space nearby that could be provided in lieu of POS on site.
- More detail regarding SuDS and how these can be implemented to achieve the appropriate Green Space Factor at the site and adequate surface water attenuation.
- Greater detail in relation to the car parking arrangements and how these would be managed
- Revised drawing that lowers the depth of foundation at Section 2-2 by at least 0.5m to remove any load transfer onto adjacent foul drain.

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Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Unit Mix

It is noted that 1 no. 3-bedroom unit is now provided however, the requirement per Policy H1 Objective 12 is that 30% of units should be 3-bedroom, requiring 3 no. 3-bedroom units to be provided. The applicant was requested to provide a justification for the unit mix and has failed to do so in relation to the revised mix. The applicant must provide a sufficient justification for the unit mix, if intending not to meet the requirement of Policy H1 Objective 12 to provide 30% of the development as 3-bedroom units.

2. Public Open Space

The applicant is requested to provide greater detail about proposals to mitigate the absence of public open space provision on site. In this regard the applicant is requested to liaise with the Public Realm Department and agree suitable upgrades to Tymon Park that would benefit the future occupants of the proposed development.

3. Sustainable Urban Drainage Systems, Surface Water Attenuation and Green Infrastructure
The applicant is requested to clarify the following:

A. The proposed attenuation of 127m³ (80m³ +47m³) is undersized by approximately 10%. A revised drawing is required showing increased surface water attenuation by 10%. The attenuation shall be provided by using additional SuDS (Sustainable Drainage Systems). Only in exceptional circumstance shall attenuation be provided by an underground system. For such an underground attenuation system it is preferable to use an arched type system instead of an aquacell system for ease of maintenance and durability reasons.

B. A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- i. Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- ii. Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- iii. The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should

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be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.

iv. Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.

v. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

C. In assessing the provision of SuDS at the site, the applicant shall consider the interrelationship of SuDS and green infrastructure. The applicant is required to show compliance with the quoted policies and sections of the South Dublin County Development Plan 2022 – 2028 and submit details demonstrating:

i. How they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

ii. How the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.

4. Car Parking

The Planning Authority would have a concern about the potential conflict that would arise from the shared parking arrangement proposed. The applicant is requested to submit clarification on how car parking would be allocated and managed appropriately so as to ensure there is no conflict between the uses for car parking spaces.

5. Foul Water

The applicant is requested to submit a revised drawing showing where section 2-2 is in respect to Drawing Number 105 from CORA Consulting Engineers Drawing. Submit a revised drawing that lowers the depth of foundation at Section 2-2 by at least 0.5m to remove any load transfer onto adjacent foul drain. Show the depth of foundation in a cross sectional view on a drawing between the narrowest point of proposed development and adjacent foul sewer.


Comhairle Chontae Atha Cliath Theas

PR/0048/23

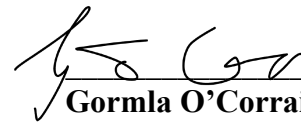
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REG. REF. SD22A/0285

LOCATION: The Cuckoo's Nest Public House, Greenhills Road, Tallaght, Dublin 24.



Jim Johnston,
Senior Executive Planner



Gormla O'Corrain,
Senior Planner

ORDER: I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated: 16 Jan 2023



Mick Mulhern, Director of Land Use,
Planning & Transportation